

REMARKS

Claims 1-45 were originally filed in the case. Claims 3-45 were canceled by Preliminary amendment. Claims 46-88 are added by amendment above. Applicants note that claims 46-88 correspond to claims 3-45 originally submitted, with the exception of changes made to eliminate multiple dependencies. Thus, claims 1-2 and 46-88 are pending in the case. The Office Action dated October 7, 2002, rejected claims 1-2 as anticipated under 35 U.S.C. § 102 (b) by U.S. Letters Patent 5,276,655 (“Rialan, *et al.*”). The Office also indicated in that Office Action that the drawings have been accepted and that Applicants’ claim to priority has been perfected. Applicants respectfully traverse the rejections.

The Office rejected claims 1-2 as anticipated under 35 U.S.C. § 102 (b) by U.S. Letters Patent 5,276,655 (“Rialan, *et al.*”). An anticipating reference, by definition, must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. *In re Bond*, 15 U.S.P.Q.2d (BNA) 1566, 1567 (Fed. Cir. 1990). Applicants respectfully submit that Rialan, *et al.* fails this standard.

The Office relies on col. 4, lines 37-42 of Rialan, *et al.* for teaching “...an airborne acoustic transmission between said positioning device and said seismic sensor”, in claim 1, at lines 6-7. This portion of Rialan, *et al.* is excerpted below:

The acquisition devices described in patent FR-2,511,772 for example can be advantageously used. These devices may be linked to the central station either by a common transmission cable, or by hertzian link. In the absence of a cable, each device B1-Bn communicates by radio means with the central station (case shown in FIG. 1). Connecting the cable to an acquisition device automatically cuts out the specific radio means, and communication occurs through the cable. Radio transmission systems using similar devices are also described in the published patent applications FR-2,599,533 and 2,627,652 for example.

Note that Rialan, *et al.* therefore teaches an acoustic transmission between a “acquisition device” Bn and a “central station.” The “acquisition device” is not a receiver, as Rialan, *et al.* clearly

discloses that a “receiver” Rn “electrically” interconnected with the “acquisition device” Bn. Furthermore, the acquisition device Bn transmits information by radio, *i.e.*, electromagnetically, and not acoustically. Thus, the Office has misconstrued this part of Rialan, *et al.*

The Office correctly identifies the teaching of a positioning device in Rialan, *et al.* at col. 4, line 65 to col. 5, line 1. However, the Office misconstrues how the positioning device is used. Rialan, *et al.*, describe the use of the positioning device at col. 5, lines 5-29, excerpted below:

In the case where this well-known positioning system is used, the operator carries a measuring box 26 fitted with a receiving antenna 27, as depicted in FIG. 2. He goes successively to the locations of the receivers on the site. He positions measuring box 26 at the center of each receiver Ri, and the receiver produces positioning indications which are immediately transferred to the associated acquisition device Bi.

Transfer can of course be achieved by connecting measuring box 26 through a cable to the acquisition device. In order to avoid displacements between the reception point and the corresponding acquisition device, measurements are preferably transferred by means, for example, of the transmission device described in patent FR-2,602,875 cited above, which is adapted for conducting signal transmissions by modulation of an infrared light beam between a transmission box 3 and an infrared receiver or optical transducer 5 on each acquisition device. The measurements provided by measuring box 26 in each seismic reception point are transferred through a link of the RS 232 type to transmission box 3 which the operator holds in his hand for example, and they are transmitted directly to acquisition device Bi through optical means 3, 5, without the operator leaving the measuring place.

The positioning device therefore does not wirelessly communicate with the receiver Ri acoustically, but rather communicates with the acquisition device Bn over an electrical communications link. As noted above, the Bn does not transmit acoustically, but electromagnetically. Thus, the Office has misconstrued this part of the Rialan, *et al.*, as well.

Applicants therefore respectfully submit that the rejections are improvident and should be withdrawn. As established above, the rejections are predicated on a misconstruction of Rialan, *et*

al. and, when Rialan, *et al.* is properly construed, it fails to disclose every limitation of the claims. Applicant therefore respectfully submits that the application is in condition for allowance and requests that it be allowed to issue.

The Examiner is invited to contact the undersigned attorney at (713) 934-4053 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Jeffrey A. Pyle
Reg. No. 34,904

WILLIAMS, MORGAN & AMERSON
CUSTOMER NUMBER: 23720

Attorney for Applicants

10333 Richmond Dr., Suite 1100
Houston, Texas 77042
(713) 934-7000

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